

To: John Lowden[jlowd@so.cccounty.us]
From: Reiner, Chris
Sent: Thur 10/6/2016 6:00:40 PM
Subject: Re: Spirit of Sacramento

John - thanks for checking in on this. You have the series of events correct, and I can expand a bit on your questions.

First, you will not be asked to pay any of EPA's costs on this project, plain and simple. As the agency requesting federal assistance, you are asking for EPA to help address a problem. It might help to think of it this way - if someone in your jurisdiction calls the sheriff because they've been robbed, the sheriff responds to help with the problem, and doesn't view the victim as causing the problem or as responsible for paying for the sheriff's help. In the case of the Spirit of Sacramento, the vessel sank in your jurisdiction, so we need a request for assistance from you, but that does not assign any responsibility or liability to the Sheriff's Office.

Another way to look at it might be from the standpoint of liability under the law I'll be using to conduct my cleanup, which is CERCLA, the Comprehensive Environmental Response, Compensation and Liability Act, also known as Superfund. Potentially Responsible Parties under CERCLA include property owners, generators of waste, and sometimes transporters of waste in certain circumstances. The county does not fall into any of these categories, so we couldn't even consider the county as potentially responsible if we wanted to - which we very much don't, since you're our partner in this project.

In relation to your last question, yes, this is very much the standard procedure for these types of events. We have received hundreds of such requests for assistance over the years in Region 9, and EPA has received thousands of them nationally, from governors, many different state agencies, local fire departments, and other entities.

I hope this will address your concerns about this. If you need further information, I can probably arrange for one of the attorneys in my office to address your questions as well.

Chris Reiner
On-Scene Coordinator
Emergency Response Section
USEPA, Region 9 (SFD-9-2)
75 Hawthorne St.
San Francisco, CA94105

Phone: 415-972-3414
Fax: 415-947-3518

E-mail: reiner.chris@epa.gov

From: John Lowden <jlowd@so.cccounty.us>
Sent: Thursday, October 6, 2016 10:10:06 AM
To: Reiner, Chris
Subject: Spirit of Sacramento



Hi Chris,

We received your Request for Federal Action letter, which requires a signature from a representative from our Office. I was under the impression, the series of events would have the EPA receiving the Spirit from the Coast Guard and then we received it from you, after it was decontaminated. Our concern is being charged with the costs of decontamination, as the agency requesting the services. Can you advise on how this process works and if this is the standard procedure for these types of events?

Thanks again for all of your help,

John

John Lowden

Captain

Office of the Sheriff-Contra Costa County

Special Operations/Coroner's Divisions

1980 Muir Road

Martinez, CA 94553

(925) 313-2650